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United Nations Voluntary Fund for Victims of Torture

Report of the Secretary-General

Summary

The present report is submitted in accordance with General Assembly resolutions 36/151 and 64/153 and describes the recommendations for grants to beneficiary organizations that were adopted by the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture at its thirty-first and thirty-second sessions. The report also provides information on policy decisions adopted by the Board in implementation of the recommendations made by the Office of Internal Oversight Services (see E/CN.4/2005/55) with a view to further enhancing the activities of the Fund.

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I. Introduction

A. Submission of the report

1. The present report was prepared in accordance with the arrangements approved by the General Assembly in its resolution 36/151, by which it established the United Nations Voluntary Fund for Victims of Torture. It presents the recommendations adopted by the Board of Trustees of the Fund at its thirty-first and thirty-second sessions, held in Geneva from 19 to 23 October 2009 and from 1 to 3 February 2010. The United Nations High Commissioner for Human Rights approved the recommendations on behalf of the Secretary-General. The present report complements the report on the activities of the Fund submitted to the Human Rights Council at its thirteenth session in March 2010 (A/HRC/13/75).

B. Mandate of the Fund

2. The Fund receives voluntary contributions from Governments, non-governmental organizations and individuals. In accordance with the practice established by its Board of Trustees in 1982, the Fund provides grants to non-governmental organizations that submit projects involving medical, psychological, social, financial, legal and humanitarian or other forms of assistance to torture victims and their family members.

C. Board of Trustees

3. The Secretary-General administers the Fund through the Office of the United Nations High Commissioner for Human Rights with the advice of a Board of Trustees composed of five members acting in their personal capacity and appointed by the Secretary-General with due regard to equitable geographical distribution and in consultation with their Governments. In October 2008, the Secretary-General reappointed the following members for a final period of three years: Krassimir Kanev (Bulgaria), Savitri Goonesekere (Sri Lanka), Joseph Oloka-Onyango (Uganda) and Derrick Pounder (United Kingdom of Great Britain and Northern Ireland), and appointed Mercedes Doretti (Argentina) for a three-year term, renewable once.

4. The Board held its thirty-first session in Geneva from 19 to 23 October 2009 to examine applications for funding and make recommendations on grants to be allotted to beneficiary organizations for the period from January to December 2010 (see A/HRC/13/75). In addition, at its thirty-second session, held from 1 to 3 February 2010, the Board discussed mainly policy issues. At that session, the Board also awarded grants to projects from priority regions, which had not been decided upon at its thirty-first session owing to insufficient information available at that time, as well as to projects from priority regions that had applied in the period between sessions.

D. Admissibility criteria

5. Project admissibility criteria, outlined in the Fund guidelines, require that a project be presented by a non-governmental organization. The beneficiaries must be direct victims of torture and/or direct family members. Priority is given to projects

providing direct assistance to torture victims. This could consist of medical or psychological assistance; help with social or financial reintegration through vocational training for victims; or legal assistance to seek redress for victims or members of their families or to process asylum-seekers claims. Depending on the resources available, the Fund may finance projects to organize training programmes, seminars or conferences to allow health-care professionals or other service providers to exchange best practices. Grant requests for projects involving investigation, research, studies, publications or similar activities are not, however, admissible.

6. The Fund can provide emergency assistance to individuals in countries where no project is receiving support. This type of request is examined according to a specific procedure outlined in the Fund's guidelines. Detailed information on the various types of assistance provided through the projects financed by the Fund, as well as their impact on beneficiaries, can be found in the report of the Secretary-General to the General Assembly at its fifty-eighth session (A/58/284, paras. 27-34).

II. Financial situation of the Fund

7. At its thirty-second session, the Board carefully examined the financial situation of the Fund over the past years. For 2011, the expectation of the Board is that, in order for it to continue to meet requests from grantees at current levels it will be faced with a shortfall of some $3 million.

8. Between 2006 and 2009, contributions received by the Fund increased from $10,073,659 in 2006 to $11,654,025 in 2009. During that period, the Board went from providing $6.1 million in 2006 to $11.3 million in 2010 in grants, with the number of projects increasing from 165 in 2006 to 230 in 2010. The incrementally increased expenditure has been possible since the income used during the period 2006-2010 has included both the yearly voluntary contributions as well as unallocated amounts carried over from previous years. Those amounts resulted from more efficient management of the Fund, including a change in the funding cycle in 2007, resulting in grantees receiving grants in advance of expenditures, closer monitoring of the implementation of projects and stricter reporting requirements. The Board decided to use the carry-over amounts to increase the level of funding for projects, particularly in priority regions.

9. The Board has requested the secretariat to include in the letter of notification to grantees for 2010 an information note in respect of the future funding situation. In this regard, and as a last resort, the Board may need to implement a 20 per cent reduction in the level of grants awarded from 2011 onward.

Contributions and pledges received

10. Since the previous report of the Secretary-General to the General Assembly on the activities of the Fund (A/64/264), contributions and pledges were received as per the table below. These contributions will enable the Board to make recommendations for grants at its thirty-third session, to be held from 18 to 22 October 2010. Grants recommended at the next session of the Board will be disbursed in January 2011 for the period from 1 January to 31 December 2011.

Table
Contributions and pledges received from 23 October 2009 to 5 August 2010
(In United States dollars)

Donors	*Amount*	*Date of receipt*
Contributions		
States		
Algeria	5 000.00	15 January 2010
Argentina	2 336.00	10 February 2010
Austria	134 925.78	30 March 2010
Belgium	147 928.99	18 November 2009
Canada	55 944.08	7 January 2010
Chile	10 000.00	29 July 2010
Croatia	7 000.00	18 November 2009
Czech Republic	10 000.00	16 November 2009
Denmark	320 701.23	10 June 2010
Iceland	20 000.00	10 February 2010
Kuwait	10 000.00	6 May 2010
Liechtenstein	26 062.73	30 July 2010
Morocco	3 000.00	26 March 2010
Netherlands	1 120 000.00	8 December 2009
Slovenia	17 319.28	31 December 2009
Spain	443 786.98	10 November 2009
United States of America	7 100 000.00	1 December 2009
Individuals		
Rita Maran	50.00	1 April 2010
Daniel Premont	266.03	19 April 2010
Total contributions	**9 434 321.10**	
Pledges		
Finland	180 024.66	4 June 2010
Germany	493 218.25	14 July 2010
Norway	164 826.11	2 July 2010
Turkey	10 000.00	9 November 2009
United States of America	7 100 000.00	21 June 2010
Total pledges	**7 948 069.02**	

III. Thirty-first and thirty-second sessions of the Board of Trustees of the Fund

11. At its thirty-first session, the Board examined information prepared by its secretariat concerning more than 240 projects, including new applications for 2010,

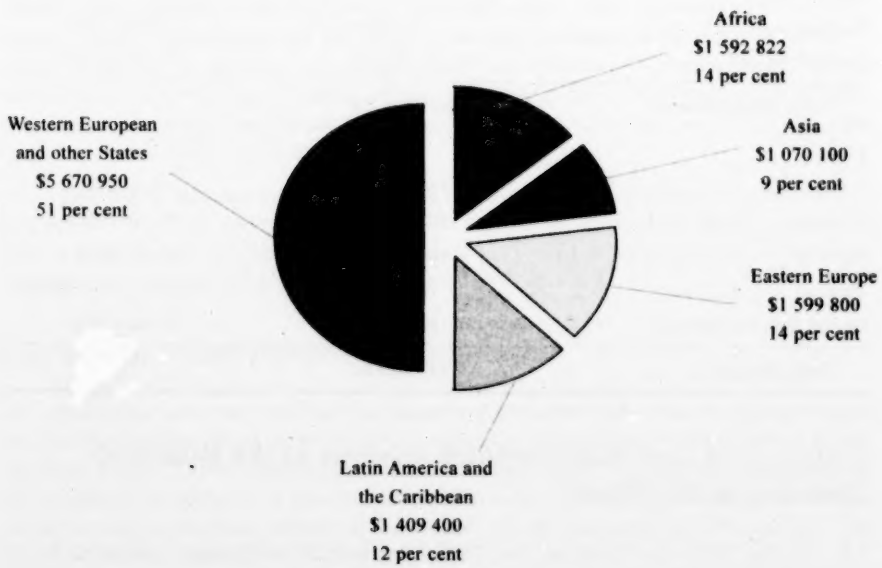
and the analysis of narrative, financial and audit reports on the use of grants paid in previous years. It considered requests for new grants amounting to $18,979,604 for more than 220 projects providing direct assistance to victims of torture and their family members in 2010 and training and seminars for professionals assisting victims to exchange information on experiences and best practices.

12. The thirty-second session of the Board was devoted to the discussion of policy issues and meetings with relevant actors in the field of assistance to victims of torture, including major regional networks of non-governmental organizations and other institutional donors. The Board also considered additional grants requests for 2010 for projects in priority regions, awarding $1,501,322 to 40 projects, 30 of which had been provisionally considered at its thirty-first session. In addition, the Board held meetings with Member States, institutional donors in the field of assistance to victims of torture, the Office of Internal Oversight Services (OIOS) and eight non-governmental organization networks representing organizations working in all regions of the world.

A. Recommendations adopted by the Board

13. At its thirty-first and thirty-second sessions, the Board made recommendations for grants for the period from January to December 2010, for more than 230 projects in over 70 countries, for a total amount of $11,343,072 after deductions for programme support costs and the operating cash reserve (see figure below). The Board also recommended that $320,000 be set aside for intersessional and/or emergency grants for 2010.

Grants awarded in 2010 by region



B. Policy decisions

Thirty-first session of the Board of Trustees

14. During its thirty-first session, the Board discussed policy issues related to funding for European-based projects and to multi-year funding.

15. The Board noted that European-based organizations in particular would face difficulties in the coming years owing to a combination of factors, including the ever-increasing number of victims of torture requiring assistance and recent changes in funding criteria by donors. The Board decided to take measures to adjust funding and advances for future grants for such organizations whenever appropriate.

16. The Board also discussed its policy on multi-year funding of projects. The Board reviewed the criteria for the selection of organizations in this pilot initiative and identified new grantees that qualified for the cycle 2010-2012.

Thirty-second session of the Board of Trustees

17. At its thirty-second session, the Board discussed issues related to information-sharing with other institutional donors, monitoring and evaluation missions and outreach.

18. The Board decided to establish a mechanism for sharing, with other institutional donors, formally and informally, and on a regular basis, information and findings regarding projects experiencing serious managerial and/or financial problems, including mismanagement and possible fraud.

19. The Board agreed to have the secretariat of the Fund participate in joint monitoring and evaluation missions with European Commission staff, whenever projects received funding from both entities.

20. As part of its outreach efforts to attract projects for regions where currently no project is being funded, the Board decided to produce literature on the Fund, including the annual call for proposals, in Portuguese.

C. Meetings with relevant actors in the field of assistance to victims of torture

Thirty-second session of the Board of Trustees

21. During the thirty-second session, the Board held a meeting, for the first time, with representatives of eight non-governmental organization networks representing organizations working in all regions of the world, to discuss issues of common concern, such as the financial situation of the Fund and its recent fund-raising initiatives, outreach to geographical and thematic areas currently not covered by the Fund, the funding policy of the European Union and its impact on grantees of the Fund and the role of non-governmental organization networks in advocacy and fund-raising. In the light of the fruitful discussions with the non-governmental organization networks, the Board decided to hold such meetings on an annual basis.

22. The Board continued its practice of meeting with other institutional donors in the field of assistance to victims of torture. Representatives from the European Instrument for Democracy and Human Rights (European Commission), the

Copenhagen-based Rehabilitation and Research Centre for Torture Victims and the Open Society Institute met with the Board, sharing information on their funding policies, evaluation and monitoring mechanisms and results and initiatives to build the capacity of grantees.

23. In addition, the Board held a meeting with Member States, which was attended by 19 delegations. In the context of the meeting, the Board invited five grantees from different regions to brief the Board and Member States on the assistance provided to victims through the Fund. Organizations invited to make presentations were implementing projects in Croatia, France, Guatemala, South Africa and Uganda. The Board informed Member States about the work of the Fund, including an overview of the activities in 2009 and the planned activities for 2010. The Board provided information on the challenges of the Fund, such as the limited number of applications from some priority regions, including Central Asia and Portuguese-speaking Africa. The Board reiterated its decision to accept applications in Russian. The Board also briefed Member States on the monitoring visits undertaken by the secretariat and members of the Board.

24. The Board met with OIOS, which had been requested by the Board to undertake joint visits with the secretariat to projects funded in Asia, the Middle East and Central America, and was informed of the findings. The Board welcomed the opportunity to discuss with the auditors, in the light of the recent visits, improvements to the general financial reporting requirements to be met by grantees, including instructions on the selection and use of local audit firms, types of acceptable audit reports, establishment of reliable internal accounting systems, handling of cash and checks, records of expenditures on personnel and procurement and supporting documents to be retained.

IV. Outstanding recommendations of the Office of Internal Oversight Services

25. As a result of the work undertaken during the reporting period, OIOS considers that only one recommendation (9 (strengthened management system)), is still being implemented.

Recommendation 9: strengthened management system

26. Applications for grants for 2010, as well as revisions of budget of the 2010 grants continued to be submitted through the online grant system of the Fund. In addition, the new external reporting module for grantees has been completed and put into service, enabling grantees to submit reports on the use of the 2009 grants online. The secretariat continued to offer a direct technical assistance service via e-mail to all organizations using the system and replied to multiple queries from new and ongoing projects as well as potential grantees.

27. During the reporting period, the secretariat continued working on the further development of the internal administration module of the online grant system of the Fund. As a result, the module is being refined and tested with multiple query functions enabling the search of data and the generation of internal reports. Finalization of the module will bring to completion the introduction of an electronic

management system for the Fund, resulting in the full implementation of the remaining recommendation (see para. 25 above) contained in the 2005 OIOS report (E/CN.4/2005/55).

V. International Day in Support of Victims of Torture

28. On 26 June 2010, the United Nations Committee against Torture, the Subcommittee on Prevention of Torture, the Special Rapporteur of the Human Rights Council on torture and other cruel, inhuman or degrading treatment or punishment and the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture made the following statement to commemorate the United Nations International Day in Support of Victims of Torture:

> We are deeply concerned that torture continues to be widespread and that certain practices amounting to torture as well as to cruel, inhuman or degrading treatment or punishment were reinvigorated, in particular in the context of the so-called global war on terror after 11 September 2001. The prohibition against torture and other forms of inhumane treatment is absolute and cannot be derogated even under emergency situations.
>
> States must take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under their jurisdiction. In addition, they should ensure that no reason based on discrimination of any kind be used as justification for torture or inhumane treatment The lack of criminalization of torture and inadequate sanctions are main factors contributing to impunity. We often see that, in the few instances where perpetrators are held accountable, they often receive sentences far below what is required by international law. In order to live up to their obligation to protect everyone subject to their jurisdiction from torture, States must ensure that all acts of torture are criminalized as offences in their domestic penal law and punishable with appropriate penalties that take into account their gravity.
>
> Recent studies have shown that some States, invoking different types of emergencies, have been directly or indirectly involved in practices such as secret detention, disappearances, expulsion or extradition of individuals to countries where they were in danger of torture, and other unlawful treatment or punishment in violation of the Convention against Torture and other international human rights instruments and humanitarian law. We are dismayed to see that in almost no recent cases have there been judicial investigations into such allegations; almost no one has been brought to justice; and most victims have never received any form of reparation, including rehabilitation or compensation.
>
> Torture leaves indelible traces on the body and minds of the victims, and reparation can almost never be complete. Often, the right to a remedy and reparation for victims of torture is non-existent or severely limited. Adequate reparation, tailored to the needs of the victim, including compensation and rehabilitation, is rarely provided or entirely dependent on the limited resources of private entities and civil society organizations. In the light of these concerns, we call upon all States to ensure that victims of torture and other forms of cruel, inhuman or degrading treatment obtain full redress and we urge them to adopt

general guarantees of non-repetition, including taking determined steps to fight impunity.

In this troublesome context, more than 20 years after its entry into force, the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment is still far from universal ratification. As of today, it has 147 States parties, of which only 64 States have made the declaration under article 22 recognizing the competence of the Committee against Torture to receive individual communications. We urge all States to become parties to the Convention against Torture and make the declarations provided under article 22 of the Convention, on individual complaints, in order to maximize transparency and accountability in their fight against torture and its related impunity.

Four years after its entry into force, the Optional Protocol to the Convention against Torture has 51 States parties. The Optional Protocol is a key instrument for preventing torture and ill-treatment by ensuring the establishment of independent and effective national preventive mechanisms empowered to visit places of detention. We therefore urge all States to ratify the Optional Protocol and thus to engage with the Subcommittee on Prevention of Torture. We further call upon those States parties to the Optional Protocol that have not yet done so to establish national preventive mechanisms and to thus live up to their obligations related to the prevention of torture and ill-treatment.

On this International Day in Support of Victims of Torture, we pay tribute to the Governments, civil society organizations and individuals engaged in activities aimed at preventing torture, punishing it and ensuring that all victims obtain redress and adequate compensation, including the means for as full a rehabilitation as possible. We express our gratitude to all donors to the United Nations Voluntary Fund for Victims of Torture, which currently supports the work of over 200 organizations in more than 60 countries, and hope that contributions to the Fund will continue to increase so as to make it possible for victims of torture and members of their families to receive the assistance they need. We call on all States, in particular those that have been found to be responsible for widespread or systematic practices of torture, to contribute to the Voluntary Fund as part of a universal commitment for the rehabilitation of torture victims and their families.

VI. How to make a contribution to the Fund

29. Contributions to the Fund should always be marked as follows: "payee: United Nations Voluntary Fund for Victims of Torture, account CH". Payments may be made either by bank transfer: (a) in United States dollars to "United Nations Geneva General Fund", account No. 485001802, J.P. Morgan Chase Bank, International Agencies Banking, 1166 Avenue of the Americas, 17th floor, New York, NY 10036-2708, United States of America (Swift code: CHAS US 33; ABA code: 021000021); (b) in euros to "United Nations Office at Geneva", account No. 23961901, J.P. Morgan Chase Bank, 125 London Wall, London EC2Y 5AJ, United Kingdom (Swift code: CHAS GB 2L, Sorting code: 60-92-42, IBAN: GB25 CHAS 6092 4223 9619 01); (c) in pounds sterling to "United Nations Office at Geneva", account No. 23961903,

J.P. Morgan Chase Bank, 125 London Wall, London EC2Y 5AJ, United Kingdom (Swift code: CHAS GB 2L, Sorting code: 60-92-42, IBAN: GB25 CHAS 6092 4223 9619 03); (d) in Swiss francs to "United Nations Geneva General Fund", account No. 240-C0590160.0, UBS, rue du Rhône 8, Geneva 2, Switzerland (Swift code: UBSW CH ZH 12A; IBAN: CH65 0024 0240 CO59 0160 0); (e) in any other currency to "United Nations Geneva General Fund", account No. 240-C0590160.1, UBS, rue du Rhône 8, Geneva 2, Switzerland (Swift code: UBSW CH ZH 12A; IBAN: CH65 0024 0240 CO59 0160 1); (f) or by cheque payable to "United Nations" addressed to: Trésorerie, Nations Unies, Palais des Nations, CH 1211 Geneva 10, Switzerland. Donors are requested to inform the secretariat of the Fund and the Resource Mobilization Unit of the Office of the High Commissioner for Human Rights when a payment has been made (a copy of the bank transfer order or of the cheque would be appreciated) to facilitate effective follow-up on the official recording procedure and preparation of the reports of the Secretary-General.

VII. Conclusions and recommendations

30. **Pursuant to the appeals by the General Assembly and the Board of Trustees of the Fund, donors are invited to pay their contributions to the Fund before the regular allocation period so as to enable the latter to take them into account at its thirty-third session, in October 2010.**

31. **The General Assembly and the Board of Trustees have also urged regular donors to increase their contributions, if possible, in order to provide the Board with the resources required to meet the growing needs of torture victims and the members of their families.**

32. **The Board strongly encourages Governments that have not yet contributed to the Fund to do so for the first time, preferably before September 2010.**